

Message Text

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FOR PROTOCOL

E.O. 11652: N/A
TAGS: PDIP
SUBJ: HOST COUNTRY REQUIREMENTS FOR AUTOMOBILE LIABILITY
INSURANCE

REF: STATE 189095

1. FOLLOWING ARE ANSWERS TO QUESTIONS IN REFTEL BY PARAGRAPH:

A) THIRD PARTY LIABILITY INSURANCE IS MANDATORY BY LAW ON
ALL MOTOR VEHICLES REGISTERED IN SWEDEN.

B) THE MINIMUM COVERAGE REQUIRED BY LAW IS SWEDISH KRONORS
FIFTY MILLION, WHICH EQUALS APPROX. ELEVEN AND A HALF MILLION US
DOLLARS, PER ACCIDENT. THIS COVERAGE INCLUDES BOTH BODILY INJURY
AND PROPERTY DAMAGE. THIS LIABILITY COVERAGE APPLIES TO DIPLOMATS
AS WELL, SINCE A MOTOR VEHICLE CANNOT BE REGISTERED IN SWEDEN
NOR CAN SWEDISH LICENCE PLATES BE OBTAINED WITHOUT THE REQUIRED
INSURANCE COVERAGE.

C) IN ADDITION TO THE LAW REQUIRING MOTOR VEHICLE LIABILITY
INSURANCE ON MOTOR VEHICLES REGISTERED IN SWEDEN, THERE IS A REGUL-
ATION PROVIDING FOR PROTECTION OF THIRD PARTY AGAINST INJURY OR
DAMAGE CAUSED BY UNINSURED, UNIDENTIFIED OR FOREIGN LICENSED
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MOTOR VEHICLES. A TRAFFIC INSURANCE "POOL" COMPANY IS OPERATED
JOINTLY BY ALL INSURANCE COMPANIES WITH CONCESSION TO PROVIDE
MOTOR VEHICLE LIABILITY INSURANCE IN SWEDEN. THIS POOL COMPANY
IS RESPONSIBLE FOR SETTLING CLAIMS AGAINST UNIDENTIFIED,
UNINSURED OR FOREIGN MOTOR VEHICLES.

D) N/A

E) THE INSURERS ARE BY LAW FINANCIALLY RESPONSIBLE FOR INJURY AND/OR DAMAGE CAUSED BY A MOTOR VEHICLE TO A THIRD PARTY, IRRESPECTIVE OF THE INSURED'S ATTITUDE OR WILLINGNESS TO COOPERATE IN OBTAINING SETTLEMENT. THEREFORE, DIPLOMATIC IMMUNITY CANNOT CONSTITUTE A HINDRANCE TO A PLAINTIFF IN OBTAINING INDEMNIFICATION FOR SUSTAINED INJURY OR DAMAGE.

F) EVEN IF THE CONTRACT TERMS OF AN INSURANCE POLICY ARE VIOLATED BY THE INSURED, E.G. DRUNKEN OR WRECKLESS DRIVING, THE INSURERS ARE STILL FINANCIALLY RESPONSIBLE BY LAW AGAINST THIRD PARTY CLAIMS. IN INSTANCES OF SEVERE VIOLATIONS OF CONTRACT TERMS THE INSURERS HAVE SUBROGATION RIGHTS AGAINST THE INSURED BUT ONLY AFTER HAVING FULLY INDEMNIFIED PLAINTIFFS.

G) UNDER NO CIRCUMSTANCES CAN DIPLOMATIC IMMUNITY OBSTRUCT SATISFACTORY SETTLEMENT OF PERSONAL INJURY OR PROPERTY DAMAGE CAUSED BY A MOTOR VEHICLE AS THE INSURERS RESPONSIBILITY IS ESTABLISHED BY LAW. IF THE VEHICLE INVOLVED IS NOT REGULARLY INSURED IT IS AUTOMATICALLY COVERED AS PER PARAGRAPH C ABOVE. THEREFORE THE QUESTION WHETHER DIPLOMATIC MISSIONS WAIVE DIPLOMATIC IMMUNITY OR NOT BECOMES ACADEMIC. IF A MEMBER OF A DIPLOMATIC MISSION (REGARDLESS OF DIPLOMATIC STATUS) SHOULD SERIOUSLY VIOLATE THE LAW OF HOST COUNTRY, IT WOULD RESULT IN REPERCUSSIONS FROM FOREIGN MINISTRY, OR IN VERY SEVERE CASES THE MEMBER CONCERNED WOULD BE DECLARED PERSONA NON GRATA.
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H) ALL DIPLOMATIC PERSONNEL CAN EASILY OBTAIN MOTOR VEHICLE LIABILITY INSURANCE SIMPLY BY CONTACTING AN INSURANCE COMPANY. THE HOST COUNTRY DOES NOT PROVIDE ANY ASSISTANCE IN THIS REGARD.

I) SAME PREMIUM RATES ARE APPLIED TO DIPLOMATS AND TO CITIZENS OF HOST COUNTRY.

J) SAME INSURANCE CONTRACTS/POLICIES ARE USED BOTH FOR DIPLOMATS AND FOR CITIZENS OF HOST COUNTRY.

K) HOST GOVERNMENT VERY RARELY REQUIRES A FOREIGN MISSION TO WAIVE IMMUNITY. ACCORDING TO FOREIGN MINISTRY THIS HAS OCCURED ONLY IN TWO INSTANCES. SEE PARAGRAPH G ABOVE.

L) SEE PARAGRAPH G AND K.

M) PREVAILING SYSTEM WORKS WELL. LACK OF INSURANCE CAN UNDER NO CIRCUMSTANCE OCCUR. SEE PARAGRAPH C ABOVE.

N) ASSUMING THAT THIS PARAGRAPH OF REFTTEL REFERS TO DAMAGE OR INJURY IN CONNECTION WITH MOTOR VEHICLE ACCIDENTS, THERE IS NO

NEED FOR HOST GOVERNMENT INTERVENTION SINCE LACK OF INSURANCE
COVERAGE UNDER NO CIRCUMSTANCES CAN OCCUR, SEE PARAGRAPH C
ABOVE.

2. A COPY OF A TRANSLATION INTO ENGLISH OF THE SWEDISH ROAD
ACCIDENTS ACT WILL BE SENT TO THE DEPARTMENT BY THIS EMBASSY
INCASE THIS COULD BE OF ANY USE OR INTEREST IN THIS CONNECTION.
PERRY

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